
CALIFORNIA DEPARTMENT OF CORRECTIONS

LAYOFF / STATE RESTRICTION OF APPOINTMENT INFORMATIONAL BROCHURE



DEPARTMENTAL PLACEMENT SERVICES TEAM
JUNE 2003

California Department of Corrections

Layoff/SROA Informational Brochure

Cause of the staffing reductions

The fiscal crisis that the State of California is experiencing has resulted in significant reductions to the California Department of Corrections' (CDC) budget departmentwide, and numerous programs are facing deep cuts or elimination. As a result, staff reductions and layoffs are unavoidable. The CDC has formed a Departmental Placement Services Team (DPST) to oversee the staff reductions and ensure compliance with Department of Personnel Administration (DPA) guidelines for staff reductions, applicable Memorandum of Understanding (MOU), Government Codes and laws and rules.

The following information is provided to assist employees facing possible layoff or demotion in lieu of layoff. Included is a brief overview of the layoff process, with an explanation of the Surplus/State Restriction of Appointments (SROA) Program and definitions of terms you may hear relative to these processes/programs. Additionally, more specific information regarding Surplus/State Restriction of Appointments, Layoff and the impact to your benefits can be found on the DPA website at, www.dpa.ca.gov.

The Department has developed the layoff plan in accordance with all applicable Government Codes and DPA rules based on position reductions identified by program management staff. This plan includes the proposed area(s) of layoff, classifications of layoff, the number of positions that will be reduced, the geographic areas in which positions will be reduced, the number of employees that must be laid off by class and area. The layoff plan will then be submitted to DPA for their review and approval.

AREA OF LAYOFF

The majority of layoffs are conducted on a statewide basis within the impacted department; however, there are times when subdivisional layoffs within a Department are more appropriate. In arriving at a final decision, the CDC must weigh the disruptiveness and cost of a statewide layoff against the employees' opportunities to exercise their seniority rights in a layoff of lesser scope. A statewide layoff can be disruptive and expensive, because employees in one geographic area could "bump" employees in different geographic areas, who, in turn, might "bump" employees in other geographic areas (Bumping Rights are discussed later with Demotional Patterns).

➤ **Statewide**

A statewide area of layoff would be appropriate when the examination plan for the affected classifications is done on a statewide basis and an employee would be required to change their residence from one geographic area to another to accept a promotion. However, the examination plan alone does not make a statewide area of layoff appropriate. When the examination plan is statewide, but certifications and choices of appointment are limited to certain geographical or organizational areas, consideration should be given to a narrower area of layoff. This would be the case if the department conducted examinations on a statewide basis for economic reasons but the resulting eligible lists were used in specific geographic areas not statewide.

➤ **Geographical**

The most common use of a geographic area of layoff for the affected classifications are by county. The use of county boundaries as an area of layoff is appropriate when the examination is conducted locally and employees who accept appointment to the class typically spend their entire careers in the one location. Other examples of geographic areas of layoff would be by institution/facility or by region.

➤ **Changing Area of Layoff**

An area of layoff may be different for the layoff process versus the involuntary transfer process. A classification may have a statewide area of layoff but when it comes to demotional patterns and involuntary transfers, the area of layoff may change to geographical.

IDENTIFY THE IMPACTED EMPLOYEES

The CDC has to identify every employee who may be laid off or demoted in lieu of layoff so that all impacted classifications or those that would be impacted are included in the area of layoff. This is done so that personal demotional patterns can be developed and employees can be identified and designated as having surplus status and the ability to apply for State Restriction of Appointment (SROA) status. Because final seniority scores have not been computed as yet, the CDC used the total years of state service, which are used to calculate the employees' vacation accrual rates, as raw seniority scores. These raw seniority scores are then used to identify the employees who could actually be in jeopardy of layoff or demotion in lieu of layoff in each class/area of layoff and to identify the classifications that are surplus and eligible for SROA status. These preliminary raw seniority scores do not take into account any prior qualifying military or exempt service, which could change an employee's final seniority score (discussed below).

Seniority

Total State Service

Each employee receives credit for one month of State service for each qualifying pay period. The accumulated qualifying pay periods equal the employee's total State service. All time worked within the California civil service system qualifies towards total State service and seniority scores. There are other types of employment within the State of California, such as "exempt service", which includes service with the Legislature, University of California and/or California State University systems, and certain military service, that also count toward seniority.

Seniority Scores

Seniority Scores (total State service) are used to determine the order of layoff, demotion in lieu of layoff, involuntary transfers, order of reemployment when an employee is on a reemployment list, and post-and-bid. Seniority shall be accumulated by totaling qualifying pay periods. The DPA counts qualifying pay periods, regardless of when the service occurred, as one seniority point for each month of qualifying State service. (If you are designated rank and file, please refer to your MOU for regulations with regards to calculating seniority scores). For most employees the seniority scores will consist of total state service calculation, not specific time in a specific classification or location.

When seniority scores are calculated during a layoff situation, there is no distinction between a probationary and permanent employee.

Final Seniority Scores

When an employee is designated as surplus status, and layoffs or demotions are imminent a survey will be sent to them asking for information regarding any prior military service or exempt service. The CDC will take the preliminary seniority scores and update the information by adding points to an employee's seniority for qualifying prior military service or verified exempt service. The CDC will then prepare the final seniority scores. The final seniority scores will be made available to affected employee so that employees can ensure that the scores are correct or challenge the scores if they are not correct.

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Surplus/SROA Program

Once DPA has approved the layoff plan for SROA/surplus designations, DPA's SROA Unit will place the SROA/ surplus classes on the DPA web page.

SROA eligibility is initially granted for 120 days and applies to how long an employee is covered by the SROA Program, which includes both surplus and SROA list status. An employee is entitled to the full 120 days, which begins when the employee's class is approved as surplus by DPA.

Surplus

Any employee in danger of being laid off or demoted in-lieu-of layoff is considered a "surplus" employee. Employees may be given surplus status (as evidenced by a letter from his/her employing department) while his/her paperwork is being processed to place his/her name on the SROA list. This ensures that someone will not lose a chance to apply for a job while waiting for SROA list placement. Once a surplus employee's name is placed on an SROA list for a class, the employee is considered SROA for that class and will receive contact letters when departments use certification lists to fill positions. An employee on an SROA list must respond to contacts from departments regarding job openings, indicating whether he/she is interested in an interview. If the employee interviews and the position is offered to them, they must accept the position or risk losing their SROA Program eligibility.

Both designations – surplus and SROA – entitle employees to equal hiring preference when applying for a vacancy. The only distinction is that an employee on an SROA list may be contacted by departments filling a vacancy in that class, while employees using surplus status need to seek out vacancies in classes they feel qualified for and are eligible to transfer to.

Hiring departments do not need an exemption from the hiring freeze to fill a vacant position with a surplus employee.

The State Personnel Board's website, www.spb.ca.gov, is a helpful resource to search for vacant positions within State service, with links to departmental websites and advertisements of vacant positions on VPOS the "vacant position database".

SROA

Placement on SROA lists is limited to employees who are actually subject to layoff or demotion in lieu of layoff. DPA has authorized the ratio of 1.5 surplus employees per abolished position to be placed on the SROA list. The purpose for this limitation is to restrict the number of employees on SROA lists to employees who are truly in jeopardy of being laid off.

The SROA process is voluntary; once an employee is designated as surplus and layoffs and demotions are imminent they will be sent an SROA Scantron form. This form is the employee's request to be placed on the SROA list maintained by the State Personnel Board. It is important that the employee send this scantron form back to the DPST as soon as possible to make sure that the employee uses all the benefits of the SROA program.

DEMOTIONAL PATTERNS

Primary Demotional Patterns

A primary demotional pattern includes classes at lower salary levels in the same series as the class of layoff, whether or not they served in the classes. The employee must, of course have sufficient seniority to "hold" or remain in one of the classes of the series. A limited term appointment does not give an employee demotional rights to that classification.

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For example an employee who was appointed as a Parole Agent I and then promotes to a Parole Agent III and serves two months in that class. The Parole Agent III classification is identified as a classification to be laid off. This employee's seniority is not high enough to allow them to "hold", therefore this employee would demote in lieu of layoff. The Parole Agent Series consists of Parole Agent I, II and III, giving this employee a primary demotional pattern to a Parole Agent II even though they had not served in the class. To stay as a Parole Agent II, this employee must have enough seniority to "hold".

Primary Personal Demotional Patterns

An employee has primary personal demotional rights to classes in any other series in which the employee served (in any department) in probationary or permanent appointments, if the layoff department uses the classes in the area of layoff, and the employee has sufficient seniority to "hold". An employee may elect to exercise his or her personal demotional rights to any former class that is within transfer range or lower salary range of the class of layoff (their current classification) and is used in the area of layoff.

For example an Associate Personnel Analyst (APA) is an identified classification to be laid off. A surplus APA had a permanent appointment as an Associate Space Planner. This employee has a primary demotional pattern to a Staff Services Analyst position, but has a personal demotional pattern to an Associate Space Planner. If the department uses the Associate Space Planner in the area of layoff, the employee has a mandatory right to demote to that class, but the employee must have enough seniority to "hold" in the classification.

Bumping Rights

A layoff is limited to the appointing power that is reducing staff, and the "bumping" rights of employees are limited to that appointing power. For example an employee who is laid off by Department A cannot "bump" a less senior employee at Department B, even if the employee once worked there.

EMPLOYEES ARE NOTIFIED OF THEIR OPTIONS

Once seniority scores are finalized and the primary, secondary and personal demotional patterns are identified, employees will be notified of their options. The options notice contains the reason for the layoff, the employee's final seniority score, the area of layoff and alternatives to layoff (if any, demotion, transfer or involuntary transfer in lieu of layoff). If an employee has an alternative to layoff, he/she will have the right to choose which option he/she wants to exercise.

The layoff is based on seniority in an area of layoff. Once the layoff occurs and positions are deleted the most senior employees will retain employment. Although these employees retain employment the actual position may be at another institution thereby necessitating the employee to move to where the position is actually located.

REEMPLOYMENT LISTS

If an employee is laid off, demoted, or involuntarily transferred, the CDC will put the employee's name on a reemployment list, which entitle the employee to return to his/her former job class if there's an opening.

Employees on a reemployment list are given priority in hiring over employees in the SROA Program. An employee may remain on a reemployment list for up to five years. The employee's ranking on the list is based on his/her seniority score when he/she was laid off.

There are three types of reemployment lists:

General – Used throughout State service.

Departmental – Used only in that agency; and

Subdivisional – Used for small units within an agency, such as district or division.

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General reemployment lists are used under the “Rule of Three” (the appointing power has a choice of the three employees with the most seniority). Departmental and Subdivisional reemployment lists are under the “Rule of One”. Reemployment lists are used before any other open or promotional civil service list.

An employee may receive general, departmental and subdivisional reemployment list eligibility for a primary class and only departmental and subdivisional reemployment list eligibility for a secondary class.

The State Personnel Board processes and maintains reemployment certifications.

Leave of Absence

If an employee is on a leave of absence in a class of layoff and area of layoff, the employee's seniority score is computed along with those of all other employees in the class/area of layoff. His/her seniority score is computed through the effective date of the leave of absence, while the other employees' seniority scores are computed through the effective date of the layoff. If the employee's seniority is high enough for the employee to retain employment, the employee may stay on the leave. If the employee's seniority is not high enough to retain employment, the employee is entitled to a 15-day notice of leave termination and a 30-day notice of layoff or demotion in lieu of layoff.

Military Leave of Absence

Employees on a military leave of absence are subject to the same layoff procedures as any other employee in a classification designated surplus.

Employees on Industrial Disability Leave (IDL)

An employee on IDL will have their seniority scores computed along with those of everyone else in the class/area of layoff. If their seniority scores are high enough to retain employment, they will retain the rights to their jobs. However if their seniority scores are not high enough to retain their jobs, they will be laid off, demoted in lieu of layoff or transferred. The seniority scores of employees on IDL are calculated through the length of the IDL, because IDL is not a break in service.

IF I AM LAID OFF WHAT HAPPENS TO ...

➤ Unemployment compensation

If an employee is laid off, they will likely be eligible for unemployment benefits. To apply, the employee must complete an unemployment claim form provided by the department or contact the Employment Development Department (EDD). For more information about unemployment insurance benefits, visit EDD's home page. In cases of voluntary resignation in lieu of layoff, EDD determines eligibility for unemployment benefits on a case-by-case basis.

➤ Health, dental, and vision coverage

An employee can continue health, dental, and vision coverage for themselves and their dependents for up to 18 months after layoff by applying for COBRA continuation coverage, (Consolidated Omnibus Budget Reconciliation Act, the federal law that allows individuals to continue participation in their employer's group plan if they're laid off).

Under COBRA, the employee will have to pay the full monthly premium (employer and employee share), plus a 2% administrative charge, directly to the carrier for the plan. The employee continues to receive the same coverage from the same providers. They have 60 days from the date of separation from the State to enroll in COBRA. Employees should check with their personnel office for details.

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Another option that may be available to an employee if they meet the age and service requirements is retirement. If the employee retires within 120 days of being laid off, the employee will qualify for continued health coverage. The employee may still be required to pay some or all of the premium, depending on the employee's years of vested State service, but the employee would not have to pay the 2% administrative fee that's required under COBRA. Check with the personnel office for details.

➤ **Unused leave**

An employee can take a lump sum payment for their unused leave or transfer all or a portion of the payment to their Savings Plus account.

Lump sum payment: The employee will receive the payment as part of his/her final compensation. The unused leave payment will be taxable as ordinary income.

Savings Plus transfer: An employee can transfer unused leave credit to a Savings Plus 401(k) and/or 457 account, the employee won't owe taxes on this money until it is withdrawn. Any unused leave credit transferred to Savings Plus counts toward the annual contribution limits for 401(k) and/or 457 plans. To make this transfer, submit a *Request to Defer Lump Sum Separation Pay* form, available from the personnel office and the Savings Plus Web site www.sppforu.com/.